

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Pilar PEREZ-Lopez

Defendant

Magistrate Docket No.

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 FEB -4 AM 10:59

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COMPLAINT FOR VIOLATION OF:
BY 9 DEPUTYTitle 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **February 1, 2008** within the Southern District of California, defendant, **Jose Pilar PEREZ-Lopez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Trombley

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4th DAY OF FEBRUARY 2008.



Ruben B. Brooks

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Jose Pilar PEREZ-Lopez

A# 095 721 402

PR# 0802-0012

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On February 1, 2008, Border Patrol Agents B. Lopez and J. Moriarty were working All-Terrain Vehicle duties in the Imperial Beach Border Patrol Area of Operations. Agents Moriarty and Lopez were notified via Service radio of a seismic intrusion device that had activated in their area of responsibility. This area is located approximately two miles west of the San Ysidro, California Port of Entry and approximately 500 yards north of the United States/Mexico International Boundary Fence.

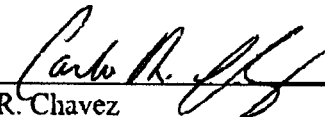
The Scope Operator, Border Patrol Agent L. Dithrich, notified that twenty individuals were approximately 250 yards north of the US/Mexico border fence and were running northbound. Agent Bruce and Moriarty responded to the area and observed 20 individuals running northbound. Both Agents dismounted their ATV'S and ran northbound in the group direction. Agent Moriarty encountered thirteen individuals concealing themselves in the dense brush. Agent Moriarty immediately identified himself as a U.S. Border Patrol Agent to the thirteen subjects. Agent Moriarty performed an Immigration inspection on all thirteen individuals. Each of the thirteen individuals admitted to being citizens and nationals of Mexico illegally in the United States. They also admitted that they did not have any U.S. immigration documents allowing them to be or remain in the United States legally.

Agent Lopez encountered seven other individuals just north of Agent Moriarty's location. Agent Lopez identified himself as a United States Border Patrol Agent and questioned each of the seven subjects as to their citizenship. Each of the seven subjects, including one later identified as the defendant, **Jose Pilar PEREZ-Lopez**, freely admitted to being citizens of Mexico illegally in the United States. At approximately 5:00 a.m., the defendant and the 19 other subjects were arrested and transported to the Imperial Beach Border Patrol Station for processing

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on December 19, 2007 through Nogales, Arizona**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

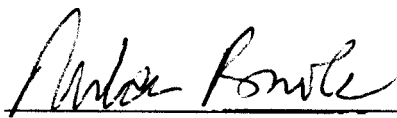
The defendant was advised of his Miranda Warnings and was willing to make a statement without an attorney present. The defendant again freely admitted to being a citizen and national of Mexico illegally present in the United States without any immigration documents that would allow him to enter or remain legally.

CONTINUATION OF COMPLAINT:**Jose Pilar PEREZ-Lopez****A# 095 721 402****PR# 0802-0012****Executed on February 2nd, 2008 at 10:00 am.**



Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **February 1 2008**, in violation of Title 8, United States Code, Section 1326.



Ruben B. Brooks
United States Magistrate Judge

2/2/2008 at 12:10 p.m.
Date/Time